Educators' Guide to Software Copyright Policies and Ethics

Scholastic believes educators are committed to protecting the intellectual property rights of software authors and publishers. At the same time, we have heard from many of you that copy protection code often inconveniences or impedes the legitimate use of our software.

Beginning August 1, 1989, we have taken the extraordinary step of publishing ALL new Scholastic software without any copy protection code and have even removed such code from our major products published before that date. For your further convenience and cost savings, we are also offering customized lab packs and site licenses for these products. We hope other publishers will soon follow our lead in saying to educators: "You trust us; we trust you."

The following policies and procedures have been developed to protect the copyrights of Scholastic and its authors while at the same time providing educators with the greatest possible convenience when using Scholastic software. These policies are consistent with the 1987 Statement on Software Copyright issued by the International Council for Computers in Education (ICCE). Relevant sections from that document and a model copyright policy from the New York City Board of Education are included for your reference.

0-590-82212-8

Scholastic Software Copyright Policy

I. *All Scholastic non-copy protected software packages consist of one Archival disk or set of disks, a Legal Copy label for each disk, and appropriate documentation. No back-up disk(s) are included since the Archival disk(s) will be the back-up(s) once Legal Copies are made.*

II. *As with all Scholastic software, non-copy protected programs may be evaluated* ***FREE*** *for up to 30 days. During that time, the user* ***MAY NOT*** *make copies of any disks or documentation.*

III. *If the customer decides to purchase the software, the enclosed Software License and Warranty Agreement* ***MUST*** *be filled out and returned to Scholastic.*

IV. *The user* ***MUST*** *then use the Archival disk(s) to make one and only one Legal Copy of each Archival disk, for use at any one time.*

V. *Each Legal Copy disk* ***MUST*** *be labeled with the Scholastic Legal Copy label on which the user has entered the serial number provided on the Software License and Warranty Agreement.*

VI. ***ONLY*** *the Legal Copy may be used for educational purposes. The Archival disk* ***MUST*** *be stored, to be used again* ***ONLY*** *to recopy the program if the Legal Copy becomes defective.*

VII. *Under* ***NO*** *circumstances may the Legal Copy be used to make additional copies.*

VIII. *Schools needing multiple copies of a Scholastic program* ***MAY*** *either buy multiple Legal Copies in the form of Customized Lab Packs or purchase a Site License, which entitles them to make unlimited Legal Copies for use within a designated school.*

IX. *Under Scholastic's unique* ***LIFETIME WARRANTY****, if the Archival disk or the Legal Copy disk itself becomes defective, it may be returned to Scholastic for a free replacement. No questions asked. No shipping or handling charge. However, please note that to be eligible for this Warranty, the customer* ***MUST*** *have filled out and returned to Scholastic the Software License and Warranty Agreement.*

X. *Customers currently owning copy protected versions of titles that will now be published without copy protection code are entitled to purchase non-copy protected Legal Copies at low Customized Lab Pack prices. With such a purchase, the customer may also request the Archival disk(s) to be used to recopy the program, in case of Legal Copy disk failure.*

XI. *Scholastic programs are* ***NOT*** *to be loaded into more than one computer at a time, unless a Network License has been purchased from Scholastic. This restriction includes hard disk based networks, floppy disk based networks, and any and all multi-loading devices.*

XII. *Many Scholastic programs have been designed to be RAM-resident so that they can be removed from computers equipped with only a single disk drive, freeing the disk drive for graphics, data, or spell checking disks. These programs are* ***NOT*** *intended to be multiloaded. We believe multiloading to be an educationally, economically, and legally unsound practice. It wastes valuable instructional time, may limit access to program options that are not wholly RAM-resident, and often leads to premature disk failure. Moreover, it violates the copyrights of our authors and is inconsistent with the rest of our Software Copyright policies which prohibit unauthorized copying, whether the copy is a temporary one (in RAM) or a permanent one (on disk).*

We believe the policies listed above will serve the best interests of our customers, our authors, and the field of educational computing.

Excerpts From The 1987 Statement on Software Copyright: An ICCE Policy Statement

The following recommendations and guidelines were approved by the Board of Directors of ICCE in January 1987, after having been developed by the 1986 ICCE Software Copyright Committee

ICCE Suggested Software Use Guidelines

The 1976 U.S. Copyright Act and its 1980 Amendments remain vague in some areas of software use and its application to education. Where the law itself is vague, software licenses tend to be more specific. It is therefore imperative that educators read the software's copyright page and understand the licensing restrictions printed there. If these uses are not addressed, the following Guidelines are recommended. These Guidelines do not have the force of law, but they do represent the collected opinion on fair software use by nonprofit educational agencies from a variety of experts in the software copyright field.

Back-up Copy: *The Copyright Act is clear in permitting the owner of software a back-up copy of the software to be held for use as an archival copy in the event the original disk fails to function. Such back-up copies are not to be used on a second computer at the same time the original is in use.*

Multiple-loading: *The Copyright Act is most unclear as it applies to loading the contents of one disk into multiple computers for use at the same time. In the absence of a license expressly permitting the user to load the contents of one disk into many computers for use at the same time, it is suggested that you not allow this activity to take place. The fact that you physically can do so is irrelevant. In an effort to make it easier for schools to buy software for each computer station, many software publishers offer lab packs and other quantity buying incentives. Contact individual publishers for details.*

Local Area Network Software Use: *It is suggested that before placing a software program on a local area network or disk-sharing system for use by multiple users at the same time, you obtain a written license agreement from the copyright holder giving you permission to do so. The fact that you are able to physically load the program on the network is, again, irrelevant. You should obtain a license permitting you to do so before you act.*

The following model policy was developed by the ICCE Software Copyright Committee which recommended that school districts approve a policy along these or similar lines.

Model District Policy on Software Copyright

It is the intent of [district] to adhere to the provisions of copyright laws in the area of microcomputer software. It is also the intent of the district to comply with the license agreements and/or policy statements contained in the software packages used in the district. In circumstances where the interpretation of the copyright law is ambiguous, the district shall look to the applicable license agreement to determine appropriate use of the software [or the district will abide by their own approved software use guidelines].

We recognize that computer software piracy is a major problem for the industry and that violations of copyright laws contribute to higher costs and greater efforts to prevent copying and/or lessen incentives for the development of effective educational uses of microcomputers. Therefore, in an effort to discourage violation of copyright laws and to prevent such illegal activities:

1. The ethical and practical implications of software piracy will be taught to educators and school children in all schools in the district (e.g., covered in fifth grade social studies classes).

2. District employees will be informed that they are expected to adhere to section 117 of the 1976 Copyright Act as amended in 1980 governing the use of software (e.g., each building principal will devote one faculty meeting to the subject each year.

3. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure this software from copying.

4. Under no circumstances shall illegal copies of copyrighted software be made or used on school equipment.

5. [Name or job title] of this school district is designated as the only individual who may sign license agreements for software for schools in the district. Each school using licensed software should have a signed copy of the software agreement.

6. The principal at each school site is responsible for establishing practices which will enforce this district copyright policy at the school level.

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Scholastic recommends that school districts post a summary of the key points of their Copyright Policy wherever computers are in use in district buildings. For example, the New York City Board of Education prints the following information on a large poster that is posted conspicuously in every computer room, and next to computers that are available for staff and student use.

Copyright Law Restated
New York City Board of Education
Division of Computer Information Services
Office of Technical Assistance and Support
131 Livingston Street
Brooklyn, N.Y. 11201

SOFTWARE POLICY

1. Duplication of copyrighted software is prohibited, except for a single archival copy not to be used simultaneously with the original.

2. School computers may not be used to illegally duplicate copyrighted software.

3. The school must contact software publishers to obtain written permission and procedures for making back-up and multiple copies, other than a single archival back-up.

4. The school must obtain written permission from the publisher to download or network programs to other microcomputers.

5. The use of illegally duplicated software, however obtained, is prohibited in all Board of Education facilities.

6. The school must obtain the written permission of the publisher to use the original software and its back-up simultaneously.

7. The Principal of each school is responsible for establishing practices which will enforce this policy on the school level.

8. This policy should be posted conspicuously in every computer room, and next to computers that are available for staff and student use.

9. Violators of this software policy will be subject to disciplinary action.

These regulations are applicable to all Board of Education facilities.

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